

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5703-01
Bill No.: HB 1888
Subject: Disabilities; Public Assistance; State Departments; Boards, Commissions,
Committees, Councils
Type: Original
Date: March 19, 2012

Bill Summary: Creates the Office of Protection and Advocacy for Persons with Disabilities.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
General Revenue	(\$149,893)	(\$173,002)	(\$175,010)
Total Estimated Net Effect on General Revenue Fund	(\$149,893)	(\$173,002)	(\$175,010)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 8 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
General Revenue	2	2	2
Total Estimated Net Effect on FTE	2	2	2

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☒ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of Administration (OA) - Administrative Hearing Commission, Office of State Courts Administrator, Department of Elementary and Secondary Education, Department of Corrections and Office of State Public Defender** assume the proposal will have no fiscal impact on their organizations.

Officials from the **Office of the Governor (GOV)** do not anticipate the GOV will incur added costs as a result of this proposal. However, if additional duties are placed on the office related to appointments in other TAFP legislation, there may be the need for additional staff resources in future years.

Officials from the **Joint Committee on Administrative Rules (JCAR)** state the legislation is not anticipated to cause a fiscal impact to JCAR beyond its current appropriation.

Officials from the **Missouri Senate (SEN)** state the proposal will either have no fiscal impact as it relates to the SEN or minimal costs that can be absorbed by present appropriations.

Officials from the **Department of Mental Health (DMH)** state this proposal does not create any requirements that would cause a fiscal impact to the DMH.

Officials from the **Office of Prosecution Services (OPS)** assume the proposal will have no measurable fiscal impact on the OPS.

Officials from the **Office of Secretary of State (SOS)** state many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The Secretary of State's office is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. **The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$2,500. The SOS recognizes this is a small amount and does not expect that additional funding would be required to meet these costs.** However, it is also recognized that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the office can sustain within its core budget. **Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.**

ASSUMPTION (continued)

Officials from the **Department of Social Services (DSS) - Children's Division (CD)** state it is not expected this proposal would fiscally impact the division.

This proposal creates the Office of Protection and Advocacy for Persons with Disabilities within the Office of Administration for the protection and advocacy of the rights of persons with disabilities and developmentally disabled persons.

Statutes are already in place pertaining to the reporting and investigation of alleged abuse and/or neglect of children. These statutes are in place for all children, including children who would be considered to be persons with a disability. The CD would not anticipate receiving many additional reports to the child abuse/neglect hotline as a result of this proposal since it is presumed that any additional reports would only come from the Director of the Office of Persons with Disabilities.

It is noteworthy that this proposal refers to "persons" with disabilities and does not appear to differentiate adults from children. Therefore, the CD would surmise that this proposal pertains to both adults and children with disabilities. In addition, the definitions of abuse and neglect as provided in this proposal are slightly different than the abuse and neglect definitions found in 210.110 RSMo, by which the CD adheres to when responding to reports made to the child abuse/neglect hotline.

Since these definitions differ, and most specifically because there is no element of care, custody and control in this proposal's definitions of abuse or neglect, provisions may need to be made for the child abuse/neglect hotline to screen hotline reports made by the director of the Office of Protection and Advocacy for Persons with Disabilities to appropriately determine how to proceed regarding investigations of alleged abuse/neglect of children with disabilities reported as a result of this proposal, unless the proposal's intent is for the CD to continue to respond to such calls in a manner consistent with section 210.110 RSMo.

Officials from the **DSS - Division of Legal Services (DLS)** state the proposal appears to create an organization which would largely execute the same duties as the Missouri Protection and Advocacy Services (MOPAS), the federally mandated, state-designated agency for the protection and advocacy on behalf of Missourians with disabilities. Specifically, MOPAS is designated by the governor as the system required by 42 U.S.C. §15043 to protect and advocate for the rights of Missourians with developmental disabilities and as the system required by 42 U.S.C. §10801, et seq. to protect and advocate for the rights of Missourians with mental illness.

ASSUMPTION (continued)

The proposal authorizes the Office of Protection and Advocacy for Person with Disabilities to request documents from state agencies which provide care/services for the disabled. The DSS has several such clients and thus, it is assumed that the DLS will receive several such document request each year. Additionally, the proposal also authorizes the Office to request the client's entire file, so it is also assumed that the volume of paper to satisfy these requests will be extensive. Therefore, given the DSS will be required to satisfy several extensive document requests throughout each year, it is assumed that the paper costs in doing so will add up to an amount less than \$1,000 per year.

Oversight assumes the DSS-DLS would be able to absorb the additional paper costs within existing appropriation levels.

Officials from the **Department of Health and Senior Services (DHSS)** state the proposal may result in a duplication of advocacy services provided by Missouri Protection and Advocacy, the agency designated as the entity responsible for protecting the rights of individuals with disabilities after the passage of The Developmental Disabilities Assistance and Bill of Rights (DD) Act of 1975. The portions of the proposal that authorize collection and investigation of reports of abuse and neglect of disabled adults may duplicate the investigational duties of the DHSS and the Department of Mental Health in Chapters 198, 208, 565, 630, and 660, RSMo.

The proposal would have an unknown fiscal impact on the DHSS as it would be required to provide data to the Office of Protection and Advocacy for Person with Disabilities regarding individuals with disabilities receiving services and reports of abuse and neglect.

Section 37.610(10)

The DHSS cannot anticipate the extent the outreach efforts the Office will have for person with disabilities. They could result in additional individuals accessing the Medicaid home and community based services program administered by DHSS.

Section 37.625.4

The DHSS cannot anticipate the number of recommended changes in rules, policies, and procedures that could be made by the Office. If the number is significant, there could be an additional fiscal impact.

Because of the several unknown factors, the DHSS estimates the fiscal impact at \$0 to an unknown cost.

HWC:LR:OD

ASSUMPTION (continued)

Oversight assumes the DHSS can absorb the costs of providing data to the Office of Protections and Advocacy for Persons with Disabilities (Office). Since it is not possible to determine the extent of outreach effort results by the Office or the number of possible changes to policies and procedures, **Oversight** assumes the DHSS can also absorb these potential costs. If there is a significant increase in home and community based services programs as a result of the outreach efforts of the Office, the DHSS can request additional funding through the appropriations process.

Officials from the **OA - Governor's Council on Disabilities (GCD)** state there are several existing agencies that provide investigations of abuses for people with disabilities. The Missouri Protection and Advocacy is a federally mandated system in the State of Missouri which provides protection of the rights of persons with disabilities through legally-based advocacy; the Missouri Commission on Human Rights is to develop, recommend, and implement ways to prevent and eliminate discrimination and to provide fair and timely resolutions of discrimination claims through enforcement of the Missouri Human Rights Act; the Department of Mental Health conducts investigations of abuses in the institutions as well; and the Department of Health and Senior Services conduct investigations brought in through their 800 number hotline calls

The following assumptions for this proposal were based on expenses and equipment the GCD uses each year. The proposal provides that an executive director (\$60,000 annually) will be appointed and staff (2 FTE Investigators, \$40,000 each annually) will be hired. The investigators will be responsible for answering complaint calls and the investigation of cases of suspected abuse. Accommodations under ADA may be needed if a constituent or employee requests the information in Braille, needs an interpreter or CART services for meetings, or if an employee needs voice activated computer equipment.

It is estimated the costs of this proposal for FY 13 will be \$208,129; FY 14 costs will be \$242,457; and FY 15 costs will be \$244,620.

Oversight assumes the new Office of Protection and Advocacy for Persons with Disabilities (Office) will only require one investigator. If complaint calls and investigations increase and the need for additional staff develops, the Office can request additional funding through the appropriations process.

<u>FISCAL IMPACT - State Government</u>	FY 2013 (10 Mo.)	FY 2014	FY 2015
GENERAL REVENUE FUND			
§37.605			
<u>Costs - OA</u>			
Personal service costs	(\$83,333)	(\$101,000)	(\$102,010)
Fringe benefits	(\$44,116)	(\$53,469)	(\$54,004)
Equipment and expense	(\$22,444)	(\$18,533)	(\$18,996)
Total <u>Costs</u> - OA	<u>(\$149,893)</u>	<u>(\$173,002)</u>	<u>(\$175,010)</u>
FTE Change - OA	2.0 FTE	2.0 FTE	2.0 FTE
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>(\$149,893)</u>	<u>(\$173,002)</u>	<u>(\$175,010)</u>
Estimated Net FTE Change on General Revenue Fund	2.0 FTE	2.0 FTE	2.0 FTE
 <u>FISCAL IMPACT - Local Government</u>	 FY 2013 (10 Mo.)	 FY 2014	 FY 2015
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

This proposal creates the Office of Protection and Advocacy for Persons with Disabilities. The office is to be administered by a director. The director may employ necessary staff, subject to appropriations. The director may, with available appropriations, purchase or contract for necessary services, establish a statewide toll-free telephone number, receive and investigate complaints, request and receive information, including personal data from any state or private agency, and conduct other duties as outlined in the proposal.

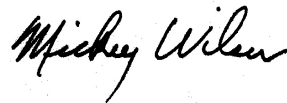
This legislation is not federally mandated.

HWC:LR:OD

SOURCES OF INFORMATION

Office of Administration -
 Administrative Hearing Commission
 Governor's Council on Disabilities
Office of State Courts Administrator
Department of Elementary and Secondary Education
Department of Mental Health
Department of Corrections
Department of Health and Senior Services
Department of Social Services -
 Children's Division
 Division of Legal Services
Office of the Governor
Joint Committee on Administrative Rules
Office of Prosecution Services
Missouri Senate
Office of Secretary of State
Office of State Public Defender

NOT RESPONDING: Office of Attorney General



Mickey Wilson, CPA
Director
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